

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 25, 2002**

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank A. de la Fe, Hunter Mill District
Joan M. DuBois, Dranesville District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
John B. Kelso, Lee District
Ronald W. Koch, Sully District
Ilryong Moon, Commissioner At-Large
Peter F. Murphy, Jr., Springfield District
Linda Q. Smyth, Providence District
Laurie Frost Wilson, Commissioner At-Large

ABSENT: None

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The meeting was called to order at 8:15 p.m. by Chairman Peter F. Murphy, Jr.

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COMMISSION MATTERS

Commissioner de la Fe MOVED THAT THE DECISION ONLY RZ-2001-HM-052, KEYSTONE LLC, BE FURTHER DEFERRED TO A DATE CERTAIN OF MAY 2, 2002.

Commissioner Byers seconded the motion which carried unanimously with Commissioners Alcorn, Harsel and Wilson not present for the vote.

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Commissioner DuBois MOVED THAT THE PUBLIC HEARING ON 2232-D01-17 AND SE-01-D-023, COMMUNITY WIRELESS STRUCTURES II, LLC, BE DEFERRED INDEFINITELY.

Commissioners Byers and Hall seconded the motion which carried unanimously with Commissioners Alcorn, Harsel and Wilson not present for the vote.

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Commissioner Hall encouraged telecommunications carriers, especially when requesting amendments to previously approved "feature shown" applications, to flush-mount antennas and shield equipment cabinets, and asked that this information be contained in the applications.

Commissioner Smyth endorsed Commissioner Hall's comments. Commissioner DuBois requested that carriers provide screening for new and replacement equipment cabinets.

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Chairman Murphy noted that the annual Fairfax County Fair would be held on June 7-9, 2002 and encouraged Commissioners and their families to volunteer to work at the Commission's soda stand. He requested that they return their registration forms to Barbara Lippa, Executive Director of the Planning Commission, on or before May 15, 2002.

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In the absence of Commissioner Alcorn, Commissioner Hall announced that the Development Criteria Review Committee would meet on Wednesday, May 1, 2002 at 7:30 p.m. Chairman Murphy noted that the Commission would not have a regular meeting on that evening.

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Commissioner Wilson MOVED THAT THE DECISION ON S99-CW-TR2, OUT-OF-TURN PLAN AMENDMENT, COUNTYWIDE TRAILS, BE FURTHER DEFERRED TO A DATE CERTAIN OF MAY 2, 2002. She noted that a memorandum from Mr. Fred Selden, Planning Division, Department of Planning and Zoning, had been distributed tonight summarizing the recommendations to be considered by the Planning Commission.

Commissioner Alcorn seconded the motion which carried unanimously with Commissioners Hall and Harsel not present for the vote.

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FSA-Y96-67-1 - Sprint - 4050 Legato Road

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION CONCUR WITH THE "FEATURE SHOWN" DETERMINATION FOR FSA-Y96-67-1.

Commissioner Byers seconded the motion which carried by a vote of 9-0-1 with Commissioner Kelso abstaining; Commissioners Alcorn and Harsel not present for the vote.

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ORDER OF THE AGENDA

Secretary Harsel established the following order for the agenda items:

1. RZ-2001-SU-044/FDP-2001-SU-044 - RATCLIFFE ASSOCIATES, LC

2. 2232-V02-3 - ROBERT L. FITTON SR. AND THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES
3. SE-01-L-042 - SPRINGFIELD PLAZA LP
4. ZONING ORDINANCE AMENDMENT (FRONT YARD PAVING)
5. SE-01-S-028 - GESHER JEWISH DAY SCHOOL OF NORTHERN VIRGINIA

This order was accepted without objection.

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RZ-2001-SU-044/FDP-2001-SU-044 - RATCLIFFE ASSOCIATES, LC -
Appls. to rezone from R-1, HC & WS to PDH-8, HC & WS to permit residential development at a density of 6.7 du/ac & approval of the conceptual & final development plans on property located in the NE quadrant of the intersection of Lee Hwy. & Pickwick Rd. on approx. 26.61 ac. Comp. Plan Rec: 8-12 du/ac. Tax Map 54-4((6))1-20, 31-50, 56-73, 73A, 73B, 81-95 & portions of Johnson Ave., Mosby La., Bradley Rd. & Newgate Blvd. public rights-of-way to be vacated and/or abandoned. (Approval of this application may enable the vacation &/or abandonment of portions of the public rights-of-way for Johnson Ave., Mosby La., Bradley Rd. & Newgate Blvd. to proceed under Sect. 15.2-2272(2) of the *Code of Virginia*). SULLY DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated April 9, 2002. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the applications.

Ms. Strobel stated that the proposed development, consisting of 94 single family attached and 83 single family detached dwelling units, at a density of 6.65 dwelling units per acre, was below the recommended planned density range of 8-12 units. She explained that 90 percent of the Ratcliffe subdivision lots, platted in 1938, had been consolidated. She said much time and effort had gone into determining the appropriate type of development for the property, resulting in a combination of single family attached and detached homes, with sidewalks and trails, and a two-acre open space area designed as a central park. She said proffers provided for transportation improvements, stormwater management, and a contribution to the Housing Trust Fund. She noted that the applicant had met with members of the community on numerous occasions to address their concerns and that the applications had the support of the Western Fairfax County Citizens Association. She submitted letters of support for the record. (Copies of these letters are in the date file.)

Ms. Strobel responded to questions from Commissioner Smyth about the use and maintenance of rain gardens and from Commissioner Byers about the size of the rear yards and the length of the driveways.

Chairman Murphy called for speakers from the audience and recited rules for testimony before the Commission.

Ms. Cynthia Trinca, 13640 Shreve Street, Centreville, expressed concern about the floodplain, increased traffic, density, and the impact of construction on wells in the area.

Commissioner Koch pointed out to Ms. Trinca that the proposal was below the planned density range and if consolidation had not been achieved, the property might have developed on a piecemeal basis.

In response to a question from Commissioner Hall, Ms. Strobel said the applicant did not anticipate that blasting would be necessary. Nevertheless, Commissioner Hall suggested that a condition or proffer be added to protect the existing residents.

Ms. Jeanette Vorce, 13653 Leland Street, Centreville, said the proposed development was more intense than other developments approved for the area. She said she did not support the proposed exits onto Lee Highway and that area roadways were already inadequate to handle existing traffic.

Commissioner Koch noted that the proposed road improvements had the approval of staff. He recognized those persons in the audience who supported the application.

Mr. Gursharan Sidhu, 13657 Leland Street, Centreville, expressed concerns about the impact of the proposed development on traffic and wells.

Mr. James Katcham, Western Fairfax County Citizens Association, said the Land Use Committee had reviewed the application on several occasions. He expressed support for the proposed development and said it would be an asset to Centreville.

There were no further speakers, therefore, Chairman Murphy called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel stated the applicant had made every effort to meet with all concerned persons, and apologized to any of those who may have been missed. She noted that the density was below the Comprehensive Plan density range and was substantially less intense than the elderly housing project originally proposed. She said that staff had been more concerned about the design of the development than the density and wanted an open space area in the middle of the development, and as a result, a townhouse component had been included. She noted that transportation improvements would be made to Lee Highway and Pickwick Road. She said the Virginia Department of Transportation had been requested to evaluate the timing of signals on Lee Highway at Pickwick and Union Mill Roads. She requested that a condition, not a proffer,

be added addressing blasting, since the application was scheduled to go before the Board of Supervisors on Monday, April 29, 2002 and it would be difficult to get the necessary signatures to add a proffer.

In response to a question from Commissioner Smyth, Commissioner Koch said he was not in favor of a service drive along Lee Highway.

There were no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Koch for action on these applications. (A verbatim transcript is in the date file.)

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Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF RZ-2001-SU-044, SUBJECT TO THE PROFFERS DATED APRIL 19, 2002.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION APPROVE FDP-2001-SU-044, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 10, 2002, AND TO THE BOARD'S APPROVAL OF THE REZONING.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A WAIVER OF THE 600 FOOT MAXIMUM LENGTH OF PRIVATE STREETS.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING ALONG A PORTION OF THE NORTHERN PROPERTY BOUNDARY IN FAVOR OF THAT SHOWN ON THE CDP/FDP.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE REQUEST FOR A WAIVER OF THE SERVICE DRIVE REQUIREMENT ALONG LEE HIGHWAY.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

Commissioner Koch MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A REQUEST FOR A VARIANCE TO ALLOW A SIX-FOOT HIGH FENCE ALONG LEE HIGHWAY, PER PARAGRAPH 3F OF SECTION 10-104.

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Harsel and Smyth abstaining.

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2232-V02-3 - ROBERT L. FITTON SR. AND THE FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES - Appl. under provisions of Sects. 15.2-2204 & 15.2-2232 of the *Code of Virginia*, to construct a sanitary pump station on approx. 0.12 acre located N. of the cul-de-sac w/in the 8300 block of East Blvd Dr, W. of the Potomac River & N.E. of the George Washington Memorial Pkwy. Tax Map 102-4-16-A. MT. VERNON DISTRICT. PUBLIC HEARING.

Ms. Pamela Nee, Planning Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended that the Planning Commission find the application to be substantially in accord with the provisions of the adopted Comprehensive Plan.

Gregory Riegle, Esquire, with McGuire Woods LLP, stated that the six existing single family homes, adjacent to the Potomac River, had aging septic systems. He said Mr. Fitton had agreed to dedicate land, construct the facility and turn it over to the County for future maintenance. He pointed out that the proposed brick structure was in accord with the Comprehensive Plan and the applicant had worked with staff and the neighbors to ensure a quality design. He explained that failure of the present septic system would pose a serious environmental threat and approval of the application would allow homeowners to connect to public sewer. He noted that the Mount Vernon Council had voted not to oppose the application.

In response to a question from Commissioner Byers, Ms. Nee said that this application was not the first in which a sanitary sewer pump station had been constructed by a private individual and then turned over to the County.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary. There were no comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION FIND THAT 2232-V02-3 IS ESSENTIALLY IN ACCORD WITH THE PROVISIONS OF THE COMPREHENSIVE PLAN.

Commissioner Kelso seconded the motion which carried by a vote of 10-0-1 with Commissioner Moon abstaining; Commissioner Koch not present for the vote.

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SE-01-L-042 - SPRINGFIELD PLAZA LP - Appl. under Sect. 9-620 of the Zoning Ord. to permit an incr. in sign area for a proposed freestanding sign on property located at 7200 Old Keene Mill Rd. w/in the Springfield Plaza Shopping Center on approx. 20.94 ac. zoned C-6, SC, HC & CRD. Tax Map 80-3((1))10, 11A, 11B, 4A & 4B. LEE DISTRICT. PUBLIC HEARING.

Dean Crowhurst, Esquire, with McGuire Woods LLP, reaffirmed the affidavit dated April 22, 2002. There were no disclosures by Commission members.

Mr. Charles Burnham, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

At Commissioner Kelso's request, Mr. Burnham explained how staff had calculated the sign area in accordance with Section 12-105 of the Zoning Ordinance. Mr. Burnham explained that the same calculation had been used to measure the other signs referred to in the staff report. Responding to another question from Commissioner Kelso, Mr. Burnham said the Zoning Administration Division had been requested to determine whether or not the Hearth USA sign was a grandfathered sign. Commissioner Kelso said he disagreed with staff's position that the Hearth USA sign should be removed.

In response to questions from Commissioner Harsel, Mr. Burnham said that the K-Mart sign was not part of this application and that the Fairfax County Housing and Community Development supported the application and the removal of the Hearth USA sign.

Mr. Crowhurst stated that the applicant was requesting approval of the construction of a pylon sign with an increased sign area in the newly renovated Springfield Plaza Shopping Center. He said the existing sign, near the corner of Bland Street and Old Keene Mill Road, would be removed and replaced with a more visually pleasing sign located at the gateway entrance to the shopping center. He noted that the application had the endorsement of the Lee District Land Use Advisory Committee. He explained that the Hearth USA sign was a legally non-conforming sign under the provisions of the Zoning Ordinance and was contractually tied to the adjacent large tenant space. He added that the sign was an important element to leasing the space and said the applicant supported the compromise offered by Commissioner Kelso of removing the "mickey

mouse ears" from the sign. Mr. Crowhurt said the application met all the requirements of the Zoning Ordinance and he requested a favorable recommendation.

Commissioner Kelso reiterated his position that the Hearth USA sign, with modification, should stand.

Chairman Murphy called for speakers from the audience, but received no response. He noted that no rebuttal was necessary.

In response to a question from Commissioner Smyth, Mr. Burnham said that if the Zoning Administration ruled that the Hearth USA sign was a grandfathered sign, the proposal as a whole would have to be evaluated. He added that leaving both signs up would contribute to visual clutter. Commissioner Kelso said he disagreed with this assessment.

There were no further comments or questions from the Commission and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Kelso for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Kelso MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE-01-L-042, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED FEBRUARY 14, 2002, WITH THE FOLLOWING CHANGES:

IN DEVELOPMENT CONDITION NUMBER 7, STRIKE THE WORDS "HEARTH USA AND...".

ADD A CONDITION NUMBER 9 WHICH SAYS: "THE EXISTING HEARTH USA FREESTANDING POLE SIGN SHALL BE MODIFIED BY REMOVING THE FOUR ROUND COMPONENTS AND SUPPORTING STRUCTURE ABOVE THE MAIN SIGN BOX PRIOR TO THE ISSUANCE OF THE SIGN PERMIT FOR THE PROPOSED FREE STANDING SIGN."

Commissioner Byers seconded the motion which carried by a vote of 10-0-2 with Commissioners Koch and Smyth abstaining.

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ZONING ORDINANCE AMENDMENT (FRONT YARD PAVING) - To amend Chap. 112 as follows: Revisions to limit, in the R-1, R-2, R-3 & R-4 Districts, the amount of paving or surfaced area that can occur in the front

yards of single family detached dwellings & to require that parking for vehicles or trailers in the front yard must be on a surfaced area. PUBLIC HEARING.

Ms. Lorrie Kirst, Zoning Administration Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the proposed amendment.

Commissioner Moon noted that he would be deferring a decision on this matter until May 23, 2002.

In response to a question from Commissioner Moon, Ms. Kirst explained staff's rationale for the recommended percentages of front yard space which could be devoted to a surfaced area for a driveway or parking spaces in R-1 and R-2 Districts as well as R-3 and R-4. Responding to another question from Commissioner Moon, Ms. Kirst said the definition of a front yard was the area between the front lot line and the principal structure and from side lot line to side lot line. She added however, that other factors, such as setbacks and lot configurations, would have to be considered.

Commissioner Moon said his understanding of the intent of the amendment was to maintain the character of residential neighborhoods, and asked Ms. Kirst if residential character was defined anywhere. Ms. Kirst replied that it was not, but said her definition of residential character for single family developments was front yards of 30 to 40 feet with no accessory structures, or a character of openness in the front of the property. Responding to another question from Commissioner Moon, Ms. Kirst said that the character of townhouse and P-District developments was different than that of single family developments.

In response to another question from Commissioner Moon, Ms. Kirst said that existing lots which had front yard paved areas in excess of newly adopted limitations could remain, but expansion to driveways or surface area would be subject to the new requirements. She added that homeowners could seek a variance from the Board of Zoning Appeals with an application fee of \$1485. Commissioner Moon commented that this could be a lengthy and costly process.

Responding to a question from Commissioner Byers, Ms. Kirst said that P-Districts were excluded from this Ordinance.

In response to a question from Chairman Murphy, Ms. Kirst said the amendment had been proposed since driveways and roadways were unable to accommodate the number of cars which needed to be parked. Ms. Jane Gwinn, Zoning Administrator, added that there was a combination of reasons for the increased need for parking, including the fact that there were multiple occupants in a single family dwelling and because residents could afford several vehicles. Commissioner Hall added that she had noticed areas in which cars, trucks, vans and commercial vehicles were parked in front yards.

Ms. Gwinn responded to questions from Commissioner Harsel about the exclusion of P-District development in the proposed Amendment, the grandfathering of existing lots, and the enforcement of the amendment, if approved.

Ms. Kirst responded to questions from Commissioner Wilson about turnaround areas for lots fronting on main roads.

Commissioner Kelso noted that the Lee District Supervisor's office had received two letters opposing the proposed amendment and ten in favor of it. He also showed photos of houses with cars parked in their front yards, as an example of what citizens in his District were concerned about. (The letters and photos were not submitted for the record.)

In response to a question from Commissioner Alcorn, Ms. Kirst said staff had taken into consideration the Policy Plan's recommendation that impervious surface be discouraged. Responding to another question from Commissioner Alcorn, Ms. Kirst said that staff had not considered basing the proposed amendment on lot sizes instead of zoning districts.

Responding to a question from Commissioner Hall, Ms. Kirst said if the Zoning Ordinance was amended, existing front yard paved parking areas would be grandfathered.

Commissioner de la Fe suggested that the phrase "maintaining the residential character" be avoided. He said he lived in a townhouse development which was residential in character although 50 percent of the front yard was a driveway.

In response to a question from Commissioner Alcorn, Ms. Kirst said prohibiting vehicles from parking on grass needed further consideration. Ms. Gwinn responded to another question from Commissioner Alcorn concerning the number of complaints received about front yard parking.

Responding to a question from Commissioner Wilson, Ms. Gwinn said that there was no statistical data indicating how widespread the problem of front yard parking was, however, she said because it was increasingly becoming a problem, the Board of Supervisors had requested staff to consider amending the Zoning Ordinance. Commissioner Wilson commented that she lived in an R-1 District on three acres with a gravel driveway and parked on the grass, and recommended that lot sizes and specific areas of the County be considered in applying an amended Ordinance so that variances would not have to be sought.

Commissioner Byers noted that the proposed amendment stated that off-street parking spaces could not be located any nearer to the front lot than ten feet, but if a driveway less than ten feet away from the front lot line was allowed to count as a parking space, the County would be in violation of its own Ordinance. Ms. Gwinn said that this problem had been duly noted by staff and required further study.

Chairman Murphy called the first listed speaker and reviewed the rules for testimony before the Commission.

Mr. Douglas Boulter, President, Virginia Hills Citizens Association, PO Box 10837, Alexandria, expressed support for a 25 percent limit on front yard paving. He said while the Association was opposed to parking on lawns, he cautioned that such a prohibition would force cars to park on narrow and overcrowded streets and negatively affect the usability of streets and good relations among neighbors. (A copy of his remarks is in the date file.)

Ms. Jacqueline Gilbert, 6110 Brook Drive, Falls Church, Chair, Zoning Committee, Lee Boulevard Heights Neighborhood Association, expressed enthusiastic support for the proposed amendment. She said parking on paved and unpaved yards had become a serious problem in her neighborhood where single family homes had become multiple family dwellings. (A copy of her remarks is in the date file.)

Mr. James McDonald, 2138 North Patrick Henry Drive, Arlington, representing the Virginia Coalition for Immigration Reform, pointed out that the proposed Zoning Ordinance Amendment had nothing to do with immigration issues and expressed support for it.

Ms. Nancy Rowland, 3056 Holmes Run Road, Falls Church, President, Sleepy Hollow Citizens Association, said the proposed amendment was a step in the right direction toward saving the residential character of neighborhoods. She said it had the strong support of the Association. (A copy of her remarks is in the date file.)

In response to a question from Commissioner Byers, Ms. Gwinn said if a front yard was paved and the house was sold, the paving would be a non-conforming right conveyed with the land.

Ms. Gwinn responded to a question from Commissioner DuBois about County regulations concerning the maximum number of people allowed to occupy a single dwelling unit.

Commissioner Alcorn agreed with Mr. McDonald that the proposed amendment was about land use issues, not immigration policies.

Mr. Ray Worley, 2537 Gallows Road, Dunn Loring, requested that the proposed Ordinance specifically include a grandfather clause and a more liberal allowance for homes situated on streets such as Gallows Road. (A copy of his remarks is in the date file.)

Mr. Robert Richardson, 6504 Kalmia Street, Springfield, President, Springfield Forest Citizens Association, expressed support for the intent of the proposed Ordinance. He cited examples of front yard parking in his neighborhood which had become problematic.

Mr. Gerald Van Antwerp, 5624 Overly Drive, Alexandria, expressed support for the proposed Ordinance, but said it did not address environmental concerns caused by vehicles parked on lawns. (A copy of his remarks is in the date file.)

Ms. Bre Zeineddin, 1625 La Salle Avenue, McLean, representing the Hunting Ridge Neighborhood Preservation Association, said the proposed amendment had the potential of pitting neighbor against neighbor. She said that property rights had to be protected.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks, therefore, Chairman Murphy closed the public hearing and recognized Commissioner Moon for action this item. (A verbatim transcript is in the date file.)

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Commissioner Moon MOVED THAT THE DECISION ONLY ON THE PROPOSED ZONING ORDINANCE AMENDMENT, DEALING WITH VEHICLE PARKING IN FRONT YARDS FOR SINGLE FAMILY DETACHED DWELLINGS, BE DEFERRED TO A DATE CERTAIN OF MAY 23, 2002, WITH THE RECORD REMAINING OPEN FOR WRITTEN COMMENTS.

Commissioner Alcorn seconded the motion which carried unanimously.

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The Commission recessed at 11:05 p.m. and reconvened at 11:20 p.m.

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The next case was in the Springfield District, therefore, Chairman Murphy relinquished the Chair to Vice Chairman Byers.

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SE-01-S-028 - GESHER JEWISH DAY SCHOOL OF NORTHERN VIRGINIA - Appl. under Sect. 3-C04 of the Zoning Ord. to permit a private school of general education & associated accessory uses on property located at 4700 Shirley Gate Rd. on approx. 28.31 ac. zoned R-C & WS. Tax Map 56-4((1))19B & 56-4((3))1. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Lynne Strobel, Esquire, with Walsh, Colucci, Stackhouse, Emrich and Lubeley, PC, reaffirmed the affidavit dated April 15, 2002. There were no disclosures by Commission members.

Ms. Tracy Swagler, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Ms. Strobel stated that the applicant was requesting approval to develop a private school with a maximum enrollment of 540 students on approximately 28 acres of land located on Shirley Gate Road. She explained that 50 percent of the property would remain as undisturbed open space in accordance with the Policy Plan for an RC District. She noted that the applicant had worked closely with a soils consultant to ensure that the septic field would be adequate to serve the proposed development while at the same time not jeopardize the existing wells located in

Lee High Village. She described proposed fencing, tree preservation and landscaping along the western property boundary. She said an agreement had been executed with a property owner to the south to allow for an ingress/egress easement terminating at Mattie Moore Drive, a public access easement to the north would be provided, and an area in the northwest corner of the property had been reserved to allow for the extension of Swartz Drive. She requested that a minor revision be made to Development Condition Number 9 modifying the last portion of the sentence to state that if access was not provided to Mattie Moore Court, a special exception amendment would need to be filed and approved. Due to security concerns, she also requested that Development Condition Number 30 be revised to insert the word "primarily" before the word "utilize" so that it would read: "...shall primarily utilize full cut-off fixtures...". She said full cut-off fixtures were problematic when security cameras were in use. She noted that the applicant had met with the Lee High Village community to address their concerns about septic fields, fencing and landscaping. She said the proposal had received favorable consideration from the Springfield Land Use Committee and requested a recommendation of approval.

In response to a question from Vice Chairman Byers, Ms. Strobel said although the building had not been designed, it was not the intent of the applicant to have windowless classrooms.

Ms. Swagler and Ms. Strobel responded to questions from Commissioners Alcorn and Smyth about stormwater management.

Vice Chairman Byers called the first listed speaker and noted the same rules applied as previously articulated by Chairman Murphy.

Ms. Carol Gordon, 3810 Moss Brooke Court, Fairfax, on behalf of the Jewish Community Center, the current location of the Gesher School, expressed strong support for the proposed development.

Ms. Peggy Ephrath, 5467 Ashleigh Road, Fairfax, President, Board of Directors, Gesher Jewish Day School, said the school would be a good neighbor and a positive addition to the Springfield District.

Mr. Quinton Maves, 4727 Briggs Road, Fairfax, expressed concern about the ability of the subject property to perc and the impact of the proposed development on the wells of surrounding residential properties.

Commissioner Murphy called Mr. Maves' attention to Development Condition Numbers 23 and 25 which addressed a potential threat to existing wells.

Ms. Sharon Woody, 4726 Briggs Road, Fairfax, said she opposed the application because of an adverse affect on property values and the wells of existing residential development. She also expressed concern about noise, traffic, the loss of open space and the possible failure of the septic system on the application property.

In response to a question from Commissioner Harsel, Ms. Swagler said that Ms. Woody's neighborhood was getting public sewer because of failing septic systems, but that the new development would not be able to tap into it.

Responding to a question from Commissioner Alcorn, Ms. Swagler said there was a very limited area on the site where soil would perc.

Mr. Jim Rosenberg, 5022 Oakcrest Drive, Fairfax, said he was a parent of students at Gesher School and expressed support for the application.

Mr. Mark Berman, 11621 Warren Lane, Fairfax, said he resided adjacent to the proposed location of the school and was a parent of a student enrolled in the school. He expressed support for the proposed development and said it would be compatible with the diverse area.

Ms. Lenore Kopelovich, 4408 Wakefield Chapel Road, Annandale, on behalf of Gesher Jewish Day School, said that approval of the application would allow the school to relocate and expand at a safe and secure location.

There were no further speakers. Therefore, Vice Chairman Byers called upon Ms. Strobel for a rebuttal statement.

Ms. Strobel said that the applicant believed the soil would perc and the septic field would meet Health Department regulations without adversely impacting the neighbors. She said as much investigation into this matter as possible had been done at this point. She said because there was only a limited area on the site where the soil could perc, the septic field could not be located elsewhere. She noted that the proposed development met the intent of an RC District with a FAR of .087 and almost 50 percent open space. In addition, she said a wooded buffer around the perimeter of the property ensured that the quality of the RC District would be protected as well as providing screening for the neighbors.

Mr. William Sledjeski, with Soil Tech Inc., responded to questions from Commissioner Smyth about the location of the septic field and the types of soil on the property. He responded to a question from Commissioner Wilson about the impact the proposed development might have on the wells and septic systems of the surrounding area, and from Commissioner Alcorn about the setback of the septic field from the lot line and the number of monitoring wells.

Responding to a question from Vice Chairman Byers, Ms. Strobel said that County policy prohibited the school from hooking up to a public sewer.

In response to a question from Commissioner Harsel, Ms. Strobel said the development would access water from an easement to Shirley Gate Road.

There were no further questions or comments from the Commission and staff had no closing remarks, therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Murphy for action on this application. (A verbatim excerpt is in the date file.)

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Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF SE-01-S-028, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED APRIL 24, 2002, WITH AN AMENDMENT TO DEVELOPMENT CONDITION 30 ADDING THE WORD "PRIMARILY" AFTER "SHALL" REGARDING THE LIGHTING OF THE OUTDOOR AREA.

Commissioners Koch and Kelso seconded the motion which carried unanimously with Commissioner Hall not present for the vote.

Commissioner Murphy MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE BARRIER REQUIREMENT IN FAVOR OF THAT SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Hall not present for the vote.

Commissioner Murphy FURTHER MOVED THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING REQUIREMENT TO ALLOW THE USE OF EXISTING VEGETATION AS SHOWN ON THE SE PLAT AND AS CONDITIONED.

Commissioner Koch seconded the motion which carried unanimously with Commissioner Hall not present for the vote.

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The meeting was adjourned at 12:36 a.m.
Peter F. Murphy, Jr., Chairman
Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Linda B. Rodeffer

Approved on: October 15, 2003

Mary A. Pascoe, Clerk to the
Fairfax County Planning Commission